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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/727,207 | 11/30/2000 | Dimitri P. Zafiroglu | RD8120USNA | 2829 |
| 23906 | 7590 | 12/10/2004 | | |
| E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805 | | | EXAMINER | |
| | | | GOFF II, JOHN L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1733 | |
| DATE MAILED: 12/10/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------|-----------------|-----------------------|
| Advisory Action | Application No. | Applicant(s) |
| | 09/727,207 | ZAFIROGLU, DIMITRI P. |
| Examiner | Art Unit | |
| John L. Goff | 1733 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) The period for reply expires 3 months from the mailing date of the final rejection.

b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. The proposed amendment(s) will not be entered because:

- (a) they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) they raise the issue of new matter (see Note below);
- (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.

4. Newly proposed or amended claim(s) ____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3-13 and 16.

Claim(s) withdrawn from consideration: 14,15 and 17-27.

8. The drawing correction filed on ____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because:

Regarding applicants arguments that the admitted prior art does not use the mechanical flexing apparatus disclosed in the specification, the claims are not commensurate in scope with this argument.

Regarding applicants arguments to Reinhardt, Reinhardt is cited merely to show the use of mechanical flexing in the same art to effect complete penetration of a binder material (Column 1, lines 23-30 and Column 2, lines 28-33). Reinhardt is not applied to modify the particular binder or the manner in which the binder is initially applied taught by the admitted prior art.

Regarding applicants arguments to Kajikawa et al., the admitted prior art is not limited to any particular type of polyolefin binder, and the background of Kajikawa et al. is cited merely to show the well known use of amorphous polyolefin in carpets for safety reasons, it being noted the background teaching is applicable to any use of polyolefin within the carpet including binder materials as further evidenced by its use as a seal layer.

Regarding applicants arguments to Gerlach et al., Gerlach et al. is not applied to modify the binder taught by the admitted prior art.

Regarding applicants arguments to Hackler, Hackler is not applied to modify the binder (and thus the melting point) taught by the admitted prior art.

Regarding applicants arguments to Tillotson et al., Tillotson et al. is applied in combination with Reinhardt, MacIsaac et al., and the background of Kajikawa et al. to show "applying an amorphous binding material having a predetermined melting point to the surface of the backing".

Regarding applicants arguments to MacIsaac et al., MacIsaac et al. is cited merely to show the well known technique of securing pile loops to a backing using stitching thread.

Regarding applicants arguments to Gregg, Gregg is (only) cited to show the well known technique of scouring to increase the soil resistance of carpet.

JH G

John Goff

Jeff H. Aftergut
JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300